

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

STEVEN BEDFORD,  
aka Steven E. Bedford

Petitioner,

V.

NATHANIEL QUARTERMAN, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:08-CV-039

## **REPORT AND RECOMMENDATION TO DISMISS** **PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner STEVEN BEDFORD, a state prisoner currently confined in the Daniel Unit in Scurry County, has filed with this Court a Petition for a Writ of Habeas Corpus by a Person in State Custody. Petitioner is confined pursuant to an August 9, 2004 conviction out of Potter County, Texas for the offense of aggravated assault with a deadly weapon and the resultant eight-year sentence.

On December 1, 2008, petitioner filed with this Court a document stating that petitioner “would like to withdraw [his] federal application along with [his] 22.54 [sic] writs.” On December 5, 2008, this Court issued an order notifying petitioner it would construe the December 1, 2008 document as a Motion to Dismiss and ordering petitioner to notify this Court if he did not intend the document to operate as a Motion to Dismiss. On December 11, 2008, petitioner filed with this Court a document titled “Motion to Dismiss” asking “this [C]ourt to withdraw or dismiss [petitioner’s]

case # 2:08-CV-039.”

RECOMMENDATION

It is the RECOMMENDATION of the United States Magistrate Judge to the United States District Judge that petitioner’s December 1, 2008 and December 11, 2008 Motions to Dismiss be GRANTED and that the habeas application filed by petitioner STEVEN BEDFORD be DISMISSED.

INSTRUCTIONS FOR SERVICE

The United States District Clerk is directed to send a copy of this Report and Recommendation to each party by the most efficient means available.

IT IS SO RECOMMENDED.

ENTERED this 15<sup>th</sup> day of December 2008.

  
CLINTON E. AVERITTE  
UNITED STATES MAGISTRATE JUDGE

**\* NOTICE OF RIGHT TO OBJECT \***

Any party may object to these proposed findings, conclusions and recommendation. In the event a party wishes to object, they are hereby NOTIFIED that the deadline for filing objections is eleven (11) days from the date of filing as indicated by the “entered” date directly above the signature line. Service is complete upon mailing, Fed. R. Civ. P. 5(b)(2)(B), or transmission by electronic means, Fed. R. Civ. P. 5(b)(2)(D). When service is made by mail or electronic means, three (3) days are added after the prescribed period. Fed. R. Civ. P. 6(e). Therefore, any objections must be filed on or before the fourteenth (14<sup>th</sup>) day after this recommendation is filed as indicated by the “entered” date. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); R. 4(a)(1) of Miscellaneous Order No. 6, as authorized by Local Rule 3.1, Local Rules of the United States District Courts for the Northern District of Texas.

Any such objections shall be made in a written pleading entitled “Objections to the Report and Recommendation.” Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party’s failure to timely file written objections to the proposed findings, conclusions, and recommendation contained in this report shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and recommendation set forth by the Magistrate Judge in this report and accepted by the district court. *See Douglass v. United Services Auto. Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).